

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 83488

Marcia R. Samuels
Marsha R. Gibbs
Terrance R. Rhibbs

4019 Winlee Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 6, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR). The Respondent was charged with violating BCZR §101, 102.1, 1B01.1, and Zoning Commissioner's Policy Manual (ZCPM), concerning an illegal home occupation, the failure to cease service garage activities from residential property.

On March 2, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,400.00 (seven thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Marcia Samuels, Respondent and Jason Seidelman, Baltimore County Code Enforcement Officer.

Inspector Seidelman testified that upon inspection, the residence at 4019 Winlee Road was found to contain several automobiles, numerous tools and assorted automotive parts. Photographs were admitted into evidence which certainly substantiate these observations. The inspector also indicated that when visiting the premises, he was chased down the street by someone from the subject residence, although Ms. Samuels testified that it was not a member of her family.

Based upon the inspector's testimony and the photographs, I find the Respondents are in violation of the above-cited BCZR provisions, which prohibit the operation of a service garage (where cars are repaired etc.) in a residential zone. The Respondent testified and she indicated that all garage activities at the premises have ceased, and I reminded her that in a neighborhood, it was inappropriate to conduct commercial activities, and that her neighbors would certainly be watching.

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 civil penalty be suspended if the property is brought into compliance on or before April 18, 2011, as verified by Inspector Seidelman.

IT IS FURTHER ORDERED that the \$1,000.00 suspended civil penalty will be imposed (in addition to whatever penalties are ordered in any subsequent case) if there is a subsequent finding against the Respondent for the same violation, within one year from the date hereof.

ORDERED this 12th day of April 2011

Signed: ORIGINAL SIGNED
John E. Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.